THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2079 of 2006

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in not considering and disposing of the representation of the petitioner dated 31.12.2005 made to respondents as arbitrary, illegal and consequently direct the respondents to pay a sum of Rs.12,50,377/- together with interest at 12% per annum.

It is the case of the petitioner that he was appointed as a Poultry Trader for supply of chicks feed ingredients, medicines and other material to the beneficiaries of poultry complexes and also for lifting and marketing of eggs. He made uninterrupted supply of feed ingredients and medicines to the poultry complexes without causing any inconvenience to the beneficiaries of complexes and lifted the eggs from the start of production to the stage of liquidation of complexes. But due to excessive pilferage of eggs by the beneficiaries, certain disease problems of the birds at different stages, low production, fluctuating egg rates at different period of production and premature liquidating has caused heavy over dues to the petitioner from the said complexes. During the period 1995-97 even though the petitioner supplied feed ingredients to the above complexes, but dues to the tune of Rs.9,13,956/- were outstanding. In this regard, he made representation to the third respondent for settlement of the over dues and pursuant to the said representation, the third respondent along with other officials have conducted a review meeting on 9.10.1997. In this regard, a detailed enquiry was conducted by the Deputy Tahsildar and submitted his report to the Executive Director, S.C. Corporation, wherein he stated that the outstanding amount of Rs.3,69,577/- shown by the Trader M.D.Suneer against the poultry complex, Polakal is true and genuine to make the payment to the trader on behalf of the poultry complex. Thereafter, the Executive Director addressed a letter dated 16.11.2005 to the Vice Chairman and Managing Director of the third respondent society stating that the administrative officer has also reported that the outstanding payment of Rs.12,50,377/- from the three complexes is genuine and supplied the feed ingredients and medicines etc., during his personal enquiry with the beneficiaries. The copy of the inspection report was also forwarded. In this regard, petitioner made representation to the Managing Director, S.C. Corporation on 31.12.2005 and also sent legal notice dated 10.1.2006 requesting the respondents to pay the outstanding amount of Rs.12,50,377/-.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner stating that the transaction was between the Trader and beneficiaries and therefore, third respondent is not liable to pay the outstanding amount.

Be that as it may, since the petitioner made representation to the respondents and which is pending, I deem it appropriate to direct the respondents to consider the representation of the petitioner in the light of the report submitted by the Deputy Tahsildar and the letter of the Executive Director dated 16.11.2005 addressed to the Vice Chairman and Managing Director, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

With the above observations and directions, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 13.6.2006

Note:

Issue C.C. in one week.

B/o

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2079 of 2006

13.6.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2079 of 2006

Dated: 13th June, 2006

Between:

Md.Suneer

.. Petitioner

and

Government of Andhra Pradesh,

rep. by its Principal Secretary,

Social Welfare Department,

Secretariat, Hyderabad & others.

.. Respondents